



## Board of Adjustment Case Report

City of Raleigh  
Department of City Planning  
One Exchange Plaza  
Raleigh, NC 27601  
(919) 996-2626  
www.raleighnc.gov

**Case File:** A-20-18

**Property Address:** 323 S. East Street

**Property Owner:** Corey Mason

**Project Contact:** Benjamin Kuhn

**Nature of Case:** A request for relief from the parking limitations set forth in Section 3.4.4.D. of the Unified Development Ordinance to allow four parking spaces and a vehicular surface area between the building and the street on a .16 acre parcel zoned Office Mixed-Use-3-Detached and located at 323 S. East Street.

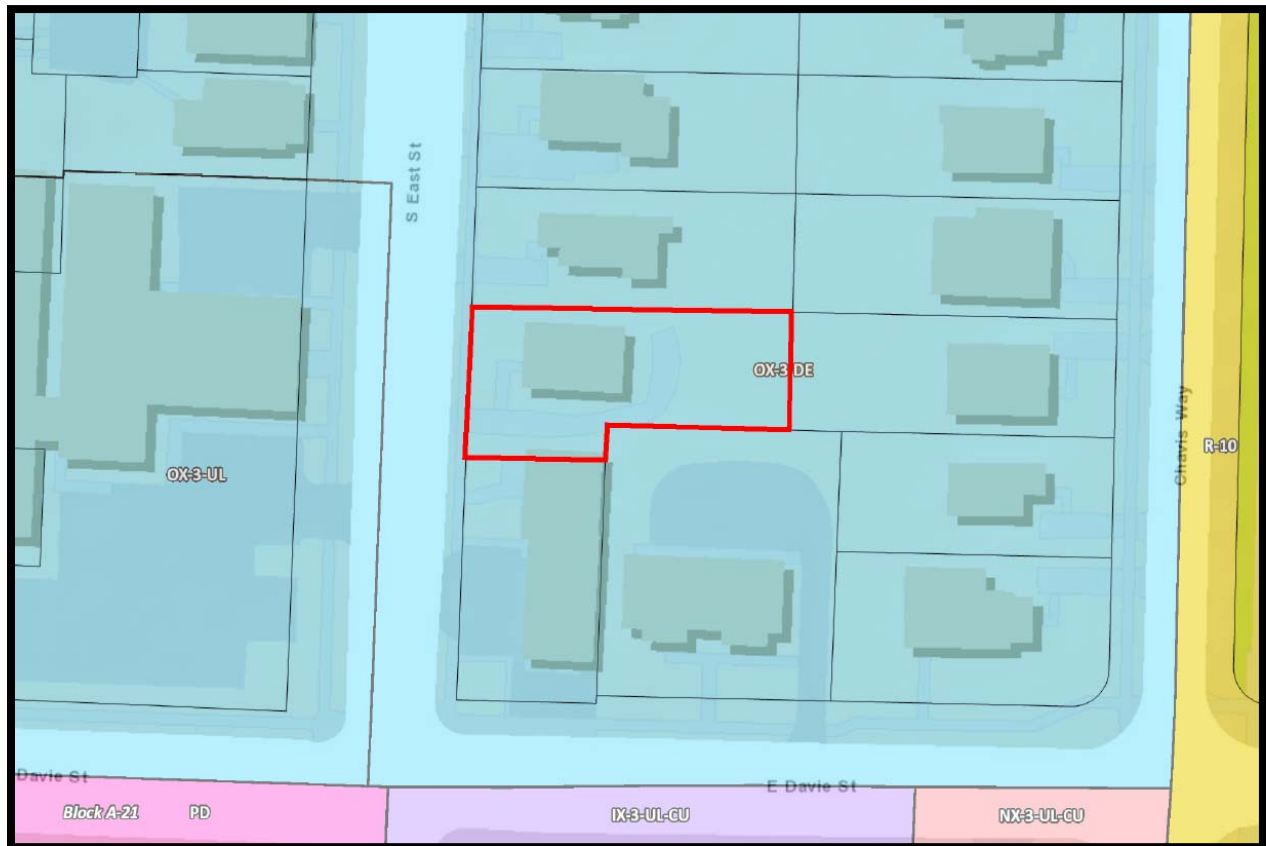


**323 S. East Street – Location Map**

**To BOA:** 2-12-18

**Staff Coordinator:** Eric S. Hodge, AICP

**ZONING**  
**DISTRICTS:** Office Mixed-Use-3 Detached



### 323 S. East Street – Zoning Map

**VARIANCE STANDARDS:** In accordance with UDO [§10.2.10 Variance](#), before a variance request is granted, the Board of Adjustment shall show all of the following:

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.
3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

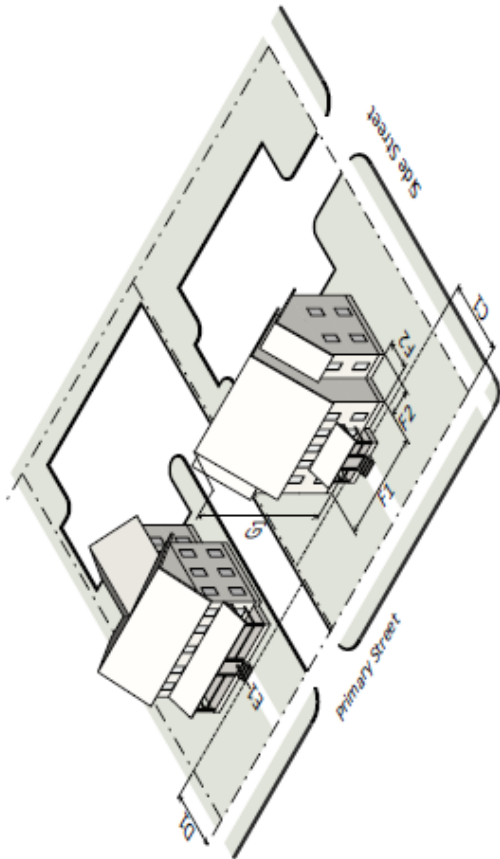
**Zoning District Standards:** The subject property is zoned Office Mixed Use-3 - Detached

<b>OX</b>	<b>Lot Dimensions</b>
Area (min)	4,000 SF
Width – interior lot (min)	45'

<b>OX : Yard Type</b>	<b>Principal Structure Minimum Setback</b>
Primary Street	10'
Side Street	10'
Side	5'
Sum of Sides	10'
Rear	20'

<b>OX : Yard Type</b>	<b>Accessory Structure Minimum Setback</b>
Primary Street	50'
Side Street	10'
Side	5'
Rear	5'

Sec. 3.4.4. Detached (-DE)



A. Description	
Intended for areas adjacent to roadways transitioning from residential to commercial. Accommodates neighborhood-scaled, low intensity commercial uses while maintaining the residential character of the street right-of-way.	
B. Building Types Allowed	
Detached house (see Sec. 3.2.1.)	Apartment (see Sec. 3.2.4.)
Attached house (see Sec. 3.2.2.)	Civic building (see Sec. 3.2.7.)
Townhouse (see Sec. 3.2.3.)	Open lot (see Sec. 3.2.8.)
C. Additional Buildings Setbacks	
C1	Average front setback applies (see Sec. 2.2.7 C.)
D. Additional Parking Limitations	
D1	No on-site parking or vehicular surface area permitted between the building and the street

E. Pedestrian Access	
E1	Primary street-facing entrance required (min of 1 per building)
E2	Direct pedestrian access is required from the public sidewalk to the primary street-facing entrance of the building
F. Facade Articulation	
F1	Front wall length without offset (max)
F2	Front wall offset length and depth (min)
G. Height Limitations	
G1	Height limit for frontage (max)
H. Streetscape Requirement	
	Residential
	see Sec. 8.5.2.D.

# Application for Variance



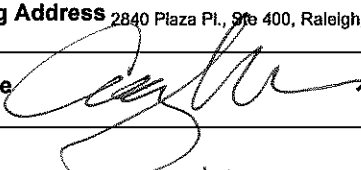
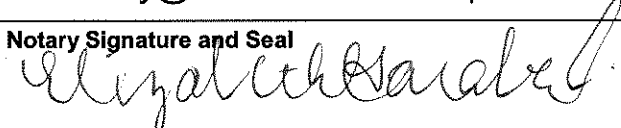
RALEIGH  
DEPARTMENT OF  
CITY PLANNING

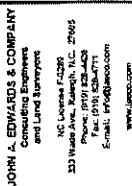


Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Submit application to: Development Services Customer Service Center, 1 Exchange Plaza, Suite 400, Raleigh, NC 27601

NATURE OF REQUEST	OFFICE USE ONLY
<p><b>Nature of variance request (if more space is needed, submit addendum on separate sheet):</b> A variance is requested from the parking limitation set forth in UDO Section 3.4.4.D. specifying that no on-site parking or vehicular surface areas are permitted between the building and street, to allow four parking spaces and a vehicular surface area on property zoned OX-3-DE and located at 323 S. East Street.</p>	<p><b>Transaction Number</b>  A-20-18</p>
<p><b>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences. If this property was the subject of a previous variance request, provide the case number.</b></p>	

GENERAL INFORMATION		
<b>Property Address</b> 323 S. East Street, Raleigh, NC 27601	<b>Date</b> 01/10/2018	
<b>Property PIN</b> 1703971500	<b>Current Zoning</b> OX-3-DE	
<b>Nearest Intersection</b> S. East Street and E. Davie Street	<b>Property size (in acres)</b> 0.16	
<b>Property Owner</b> Corey Mason	<b>Phone</b>	<b>Fax</b>
<b>Owner's Mailing Address</b> 724 Brighton Road, Raleigh, NC 27610	<b>Email</b> corey@fivehorizonsdevelopment.com	
<b>Project Contact Person</b> Benjamin R. Kuhn	<b>Phone</b> 919-881-2201	<b>Fax</b> 919-783-8991
<b>Contact Person's Mailing Address</b> 2840 Plaza Pl., Ste 400, Raleigh, NC 27612	<b>Email</b> bkuhn@rl-law.com	
<b>Property Owner Signature</b> 	<b>Email</b> corey@fivehorizonsdevelopment.com	
<b>Notary</b>  Sworn and subscribed before me this <u>12<sup>th</sup></u> day of <u>January</u> , 20 <u>18</u>	<b>Notary Signature and Seal</b>  <div style="border: 1px solid black; padding: 5px; text-align: center;"><b>Elizabeth A. Garabedian</b> Notary Public Mecklenburg County North Carolina</div>	



333 Wido Ave., Raleigh, N.C. 27605  
 Phone: (919) 828-4608  
 Fax: (919) 828-4777  
 E-mail: info@jameco.com  
 www.jameco.com



323 S. EAST STREET  
323 S. EAST STREET  
RALEIGH, NC 27601

410 N. BOYLAN AVE.  
RALEIGH, NC 27603

Line	Quantity	Description	Unit	Price	Total
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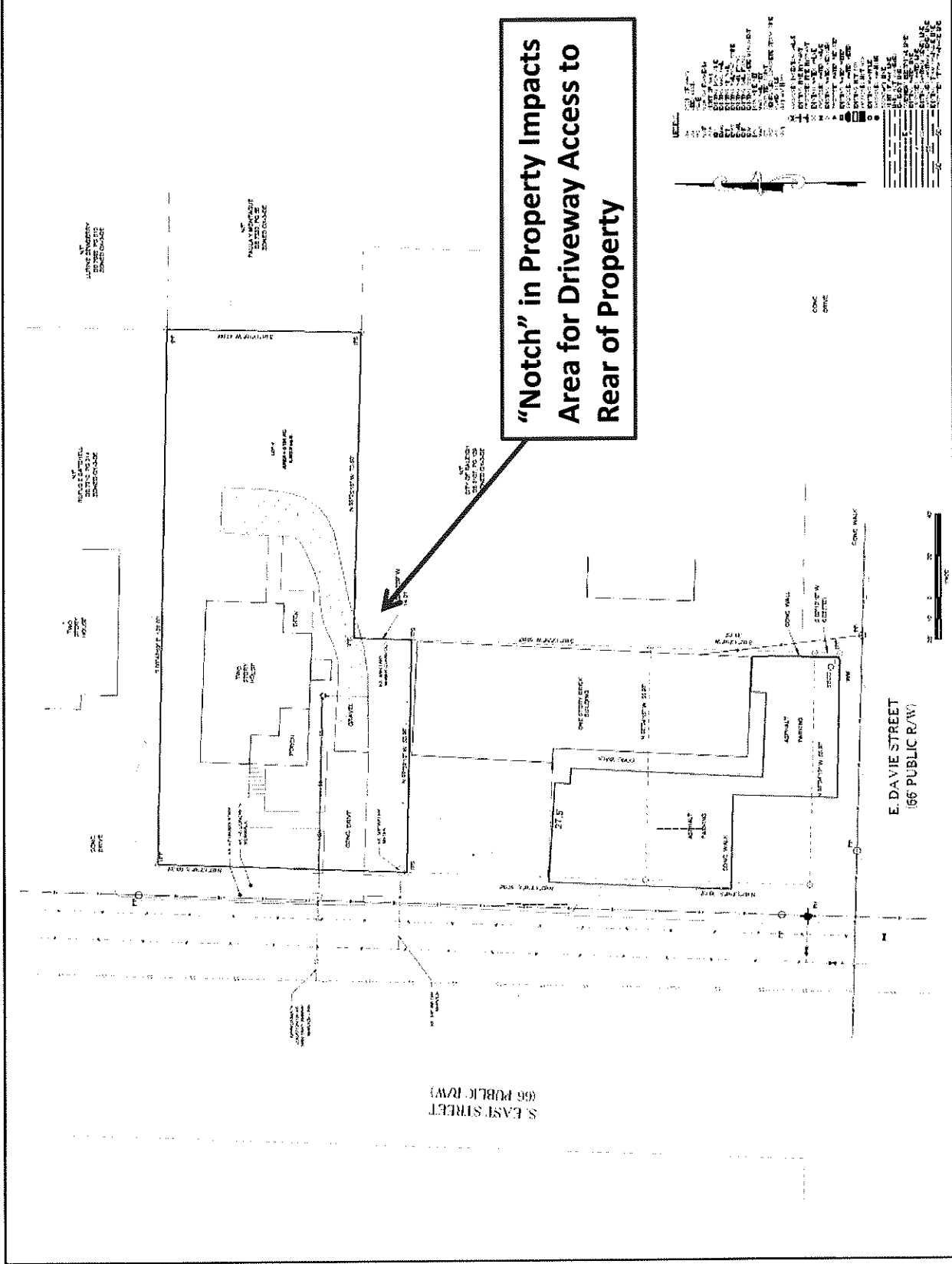


EXISTING  
CONDITIONS  
PLAN

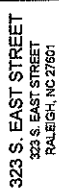
**40808**

**Duck St.**

**C5-1**



**Note Existing Driveway  
Encroachment on COR Property**



FIVE HORIZONS DEVELOPMENT  
410 N. BOYLAN AVE.  
RALEIGH, NC 27603

[illegible]

ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF RALEIGH STANDARDS AND SPECIFICATIONS.

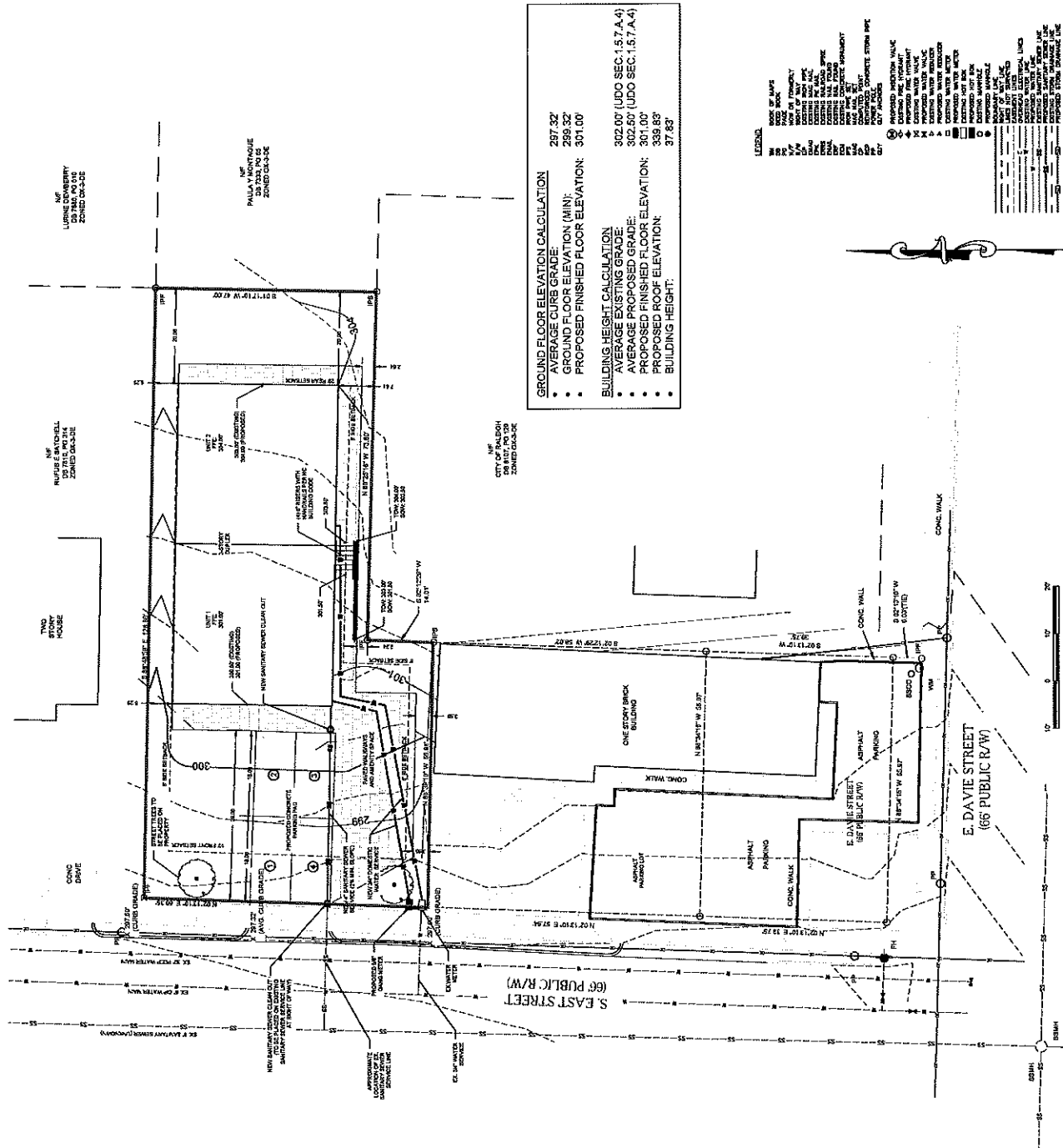
# **SITE, GRADING, UTILITY & STREETSCAPE PLAN**

CE-2

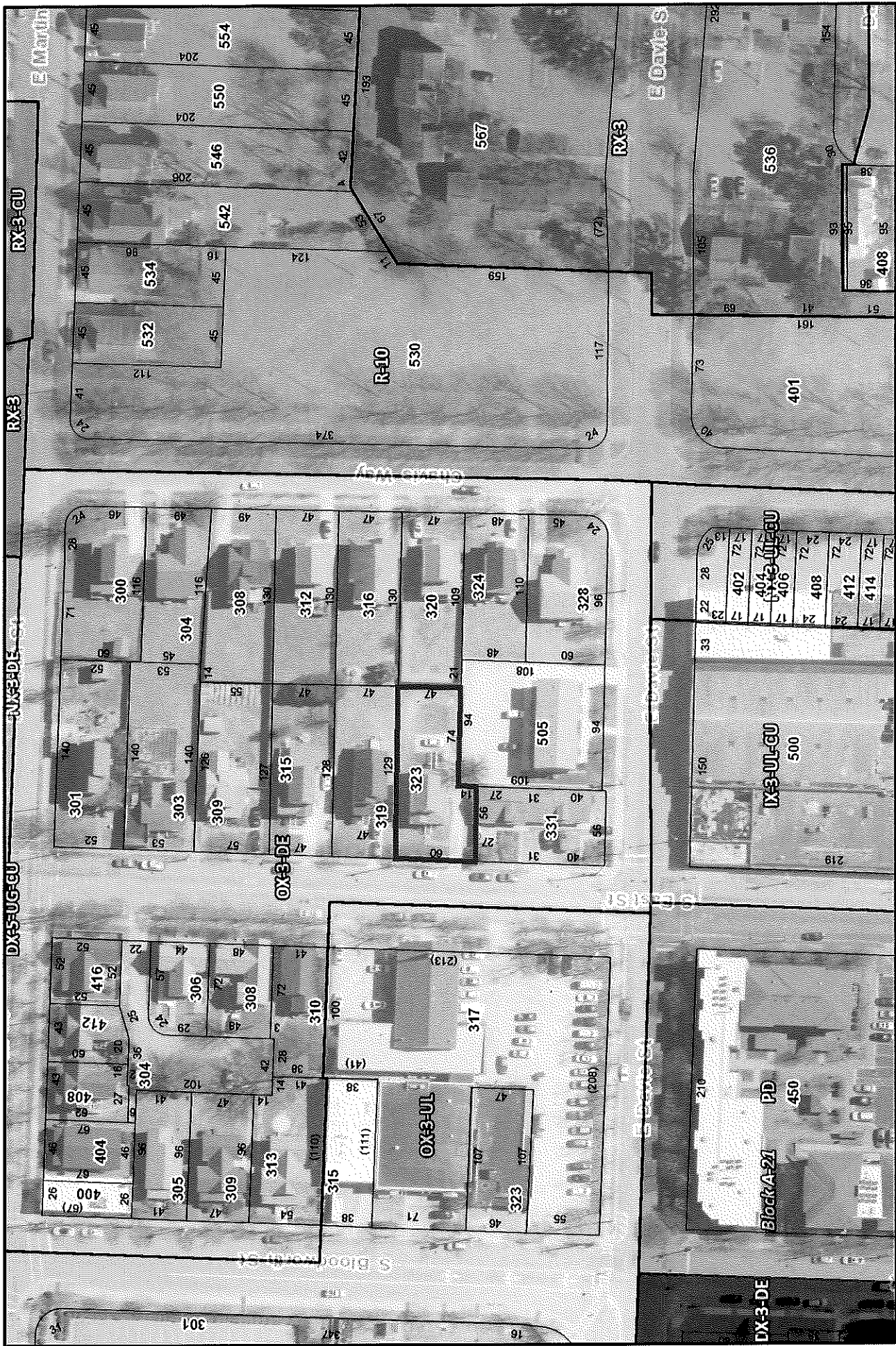
Drawn By CPM

Checked By JAC

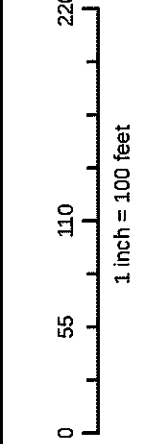
Date Issued 12/4/77







# Zoning - OX-3-DE

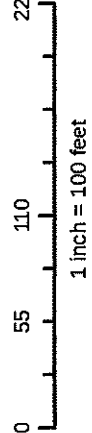


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Area Surrounding 323 S. East

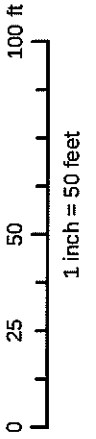


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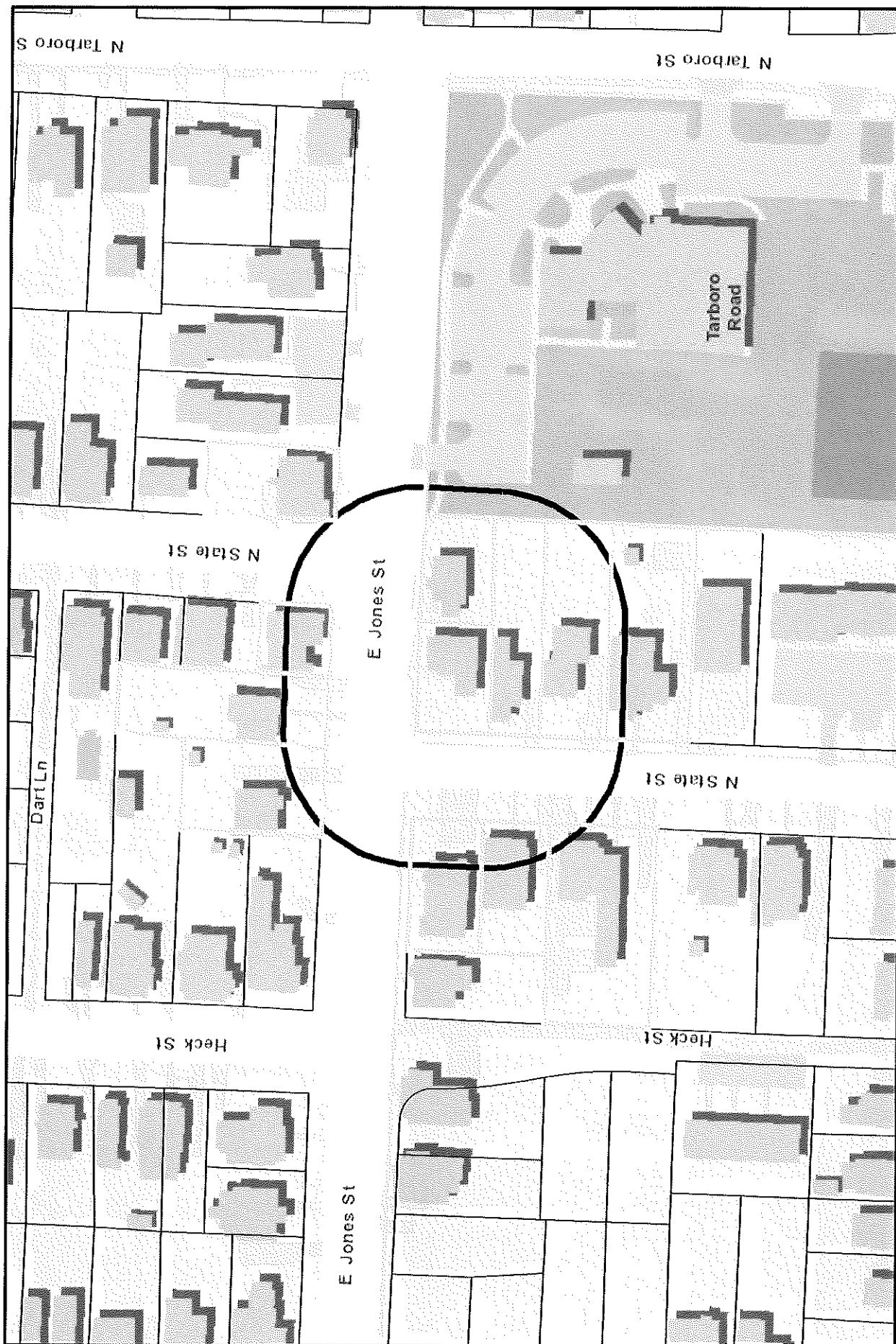
**Economic Development Target Area**



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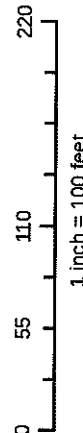






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100' Buffer 323 S. East Street

PIN	Owner	Mail Address 1	Mail Address 2	Site Address	City
1703879435	SMITH TEMPLE FREEWILL BAPTIST CHURCH	2720 SANDERFORD RD	RALEIGH NC 27610-5834	317 S BLOODWORTH ST	RALEIGH
1703879539	CHIKA N. MADUABUCHUKWU	505 W FRANKLIN ST	ZEBULON NC 27597-2149	310 S EAST ST	RALEIGH
1703970461	MEETINGHOUSE PROPERTIES LLC, c/o YORK PROPERTIES	1900 CAMERON ST	RALEIGH NC 27605-1307	331 S EAST ST	RALEIGH
1703971443	CITY OF RALEIGH, ATTN: COMMUNITY DEVELOPMENT	PO BOX 590	RALEIGH NC 27602-0590	505 E DAVIE ST	RALEIGH
1703971500	COREY D. MASON	724 BRIGHTON RD	RALEIGH NC 27610-1608	323 S EAST ST	RALEIGH
1703971509	LONNIE WRIGHT CHEATHAM	315 S EAST ST	RALEIGH NC 27601-1960	315 S EAST ST	RALEIGH
1703971515	RUFUS E SATCHELL	319 S EAST ST	RALEIGH NC 27601-1960	319 S EAST ST	RALEIGH
1703971604	LYNETTE AYTCHE	309 S EAST ST	RALEIGH NC 27601-1960	309 S EAST ST	RALEIGH
1703972440	VENNIE M. MIMS & PAULINE M. GRIFFIN	328 CHAVIS WAY	RALEIGH NC 27601-1989	328 CHAVIS WAY	RALEIGH
1703972445	IONATHAN M. HINTON	324 CHAVIS WAY	RALEIGH NC 27601-1989	324 CHAVIS WAY	RALEIGH
1703972520	PAULA Y. MONTAGUE	320 CHAVIS WAY	RALEIGH NC 27601-1989	320 CHAVIS WAY	RALEIGH
1703972534	LURINE DEWBERRY	316 CHAVIS WAY	RALEIGH NC 27601-1989	316 CHAVIS WAY	RALEIGH
1703972559	STEVE SYMPHER & E. GRAHAM WILLIAMS	2114 WOODVIEW DR	RALEIGH NC 27604-2133	312 CHAVIS WAY	RALEIGH
1703972654	MANIE MARIE BRANCH	308 CHAVIS WAY	RALEIGH NC 27601-1989	308 CHAVIS WAY	RALEIGH